

Remarks

Currently pending in the application are claims 1-19, 22-24, 26, 28, and 30-31. Claims 1-19, 22-24, 26, 28, 30 and 31 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,143,945 ("Bodnar"). Claims 1-19, 22-24, 26, 28, 30 and 31 are additionally rejected under 35 U.S.C. § 103(a) as unpatentable over Bodnar.

In view of the following remarks, Applicants respectfully request reconsideration by the Examiner, and advancement of the application to allowance.

In this response, Applicants have amended independent Claims 1, 28, and 30 to recite the presence of a blowing agent other than a blowing agent comprising halocarbon. Support for the amendment is on page 6, line 15 through page 7, line 19 of Applicants' specification, as originally filed. Various embodiments within those pages include blowing agents without hydrofluorocarbon, a halocarbon. Applicants submit that such a negative limitation is definite because the boundaries of the patent protection sought are clear. *See*, M.P.E.P. § 2173.05(i); *In re Barr*, 444 F.2d 588 (CCPA 1971). Applicants additionally submit that the recitation of positive elements in the specification provides original support for its explicit exclusion in the claims. *See*, M.P.E.P. § 2173.05(i); *In re Johnson*, 558 F.2d 1008, (CCPA 1977).

Additionally, Claims 1 and 28 have been amended to delete embodiments wherein the blowing agent is a mixture of water, hydrocarbon, and hydrofluorocarbon or a mixture of hydrocarbon and hydrofluorocarbon.

I. Claims 1-19, 22-24, 26, 28, and 30-31 are not anticipated by *Bodnar*.

Applicants respectfully traverse the Examiner's rejections of claims 1-19, 22-24, 26, 28, and 30-31 as being anticipated by *Bodnar*. Applicants submit that the claims are not anticipated by *Bodnar* because *Bodnar* fails to disclose each and every limitation of these claims.

In particular, the blowing agents of *Bodnar* are mixtures of halocarbons and organic carboxylic acid. *Bodnar* Col. 3, lines 38-42. Accordingly, *Bodnar* does not disclose "a blowing agent other than a blowing agent comprising halocarbon." Therefore, Applicants request that the Examiner withdraw the rejection to claims 1-19, 22-24, 26, 28, and 30-31 under 35 U.S.C. § 102(b).

II. Claims 1-19, 22-24, 26, 28, and 30-31 are not made obvious by *Bodnar*.

Bodnar discloses that the presence of halocarbon, and particularly fluorocarbon, blowing agents in the production of polyurethane-polyisocyanurate foams result in excellent thermal insulation and friability properties. *Bodnar* Col. 2, lines 8-29. *Bodnar* further discloses that the use of halocarbon, and particularly fluorocarbon, blowing agents has a negative environmental impact, and it is a goal of the art to eliminate use thereof. *Bodnar* Col. 2, lines 8-11. Accordingly, *Bodnar* discloses that its inventive method provides polyurethane-polyisocyanurates with about 10 to about 75 percent less halocarbon levels than the prior art, while maintaining good physical properties including thermal insulation and friability. *Bodnar* Col. 2, lines 57-66.

Applicants assert that viewing the disclosure of *Bodnar*, as a whole, it would not have been obvious to eliminate the presence of halocarbon and particularly fluorocarbon from its blowing agent. Therefore, Applicants request that the Examiner withdraw the rejection to Claims 1-19, 22-24, 26, and 28 under 35 U.S.C. § 103(a).

III. Petition For Two-Month Extension of Time

Pursuant to 37 C.F.R. § 1.136(a), Applicants hereby request a two-month extension of time to file a response to the Office Action Mailed April 13, 2007. This request extends the original due date of July 13, 2007 two months to September 13, 2007. Applicants have enclosed the \$450 fee for a large entity.

Conclusion

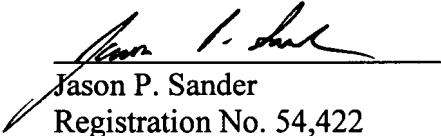
In view of the foregoing remarks, Applicants respectfully submit that the application is now in condition for allowance, and respectfully request issuance of a Notice of Allowance directed towards the pending claims.

Should any fee be due in connection with the filing of this document, the Commissioner for Patents is hereby authorized to deduct said fee from Deposit Account No. 07-0153.

Please date stamp and return the enclosed postcard to acknowledge receipt of this material.

9/12/07
Date

Respectfully submitted,


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